

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

<p>United States of America,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>Noel Debra Hall,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 24-cr-00303 (SRN/DLM)</p> <p style="text-align: center;"><b>ORDER</b></p>
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Daniel L. Gerdtz, 331 Second Avenue South, Suite 705, Minneapolis, MN 55401, for Defendant.

Raphael Coburn, United States Attorney’s Office for the District of Minnesota, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for the Government.

SUSAN RICHARD NELSON, United States District Judge.

This matter is before the Court on Defendant Noel Hall’s Objection [Doc. 27] to United States Magistrate Judge Douglas L. Micko’s Report and Recommendation (R&R) [Doc. 25]. Mr. Hall was charged in a one-count indictment with possessing a firearm as a felon, 18 U.S.C. §§ 922(g)(1), 924(a)(8). (Doc. 1.) He moved to dismiss the indictment on the ground that § 922(g)(1) is unconstitutional as applied to him. (Doc. 19.) The magistrate judge issued an R&R that recommends denying Mr. Hall’s motion because “the Eighth Circuit has found the law to be constitutional, without need for resort to any ‘felony-by-felony litigation regarding the constitutionality of § 922(g)(1).’” (Doc. 25 at 2 (quoting *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024)).) And Mr. Hall concedes

that the R&R is correct, explaining that he only objects to preserve the issue for appeal. (Doc. 27 at 1.)

The Court agrees that it is bound by Eighth Circuit precedent foreclosing all as-applied challenges to § 922(g)(1)'s constitutionality. *E.g., Jackson*, 110 F.4th at 1125; *United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024). Consequently, the Court overrules Mr. Hall's objection, adopts the R&R, and denies Mr. Hall's motion to dismiss the indictment.

### CONCLUSION

Based upon the foregoing, and all the files, record, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Mr. Hall's Objection to the Report and Recommendation [Doc. 27] is **OVERRULED**;
2. The Report and Recommendation [Doc. 25] is **ADOPTED**; and
3. Mr. Hall's Motion to Dismiss [Doc. 19] is **DENIED**.

Dated: April 17, 2025

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge